Kenya: 25 Years After Uhuru

by Samuel Makinda

As I. William Zartman observed in a recent issue of CSIS Africa Notes, “More African states have a stable government with some democratic features than is usually recognized, and even more are trying to move along a path toward greater participation and accountability, two main features of democracy . . . . Absolute correlations between democracy and any other feature are hard to find, despite many attempts by analysts to do so. It is clear that democracy depends on an informed and involved public and that it thrives on social pluralism, although it may also become the victim when pluralistic conflict replaces pluralistic competition. Conflict is more likely to arise when the supply of economic rewards and incentives is fixed or shrinking and social pluralism and population numbers are growing. Thus, economic growth and development may not assure democracy, but democratic competition and political stability have a better chance in the presence of economic growth.” ("Why Africa Matters," no. 86, June 30, 1988). Kenya’s political evolution in the quarter century since independence provides a relevant case study of these generalizations.

From Kenyatta to Moi

When executive power passed to Vice President and Minister of Home Affairs Daniel arap Moi following the death of President Jomo Kenyatta at age 86 in August 1978, few people inside or outside the country thought he would last long. To some observers, the 54-year-old onetime schoolteacher appeared to be a compromise candidate who would keep the presidency in a caretaker capacity for a few months only. Others likened him to a “passing cloud,” a comparison that suggested he was merely a stopgap leader. The fact that he was a member of a minority ethnic group (the Kalenjin) seemed to support these doubts about his future. Ten years later, however, Moi’s presidency looks stronger than Kenyatta’s ever was, and there is no sign of any major challenge to his leadership in the foreseeable future. How did a man initially seen as a caretaker president manage to become so powerful? And what are the bases of his power?

Kenya’s history since the death of Kenyatta can roughly be divided into four periods, in which President Moi has used different tactics and skills, and exploited various factors, not only to outmaneuver his
perceived opponents, but also to increase his hold on power: (1) the initial or transition period from August 1978 to the general election of November 1979; (2) the pre-coup period of 1980 to July 1982; (3) the immediate post-coup era (August 1982 until the fall from power of former Attorney General Charles Njonjo in June 1983); and (4) the period since the general election of September 1983.

In each of these sequences, Moi felt — rightly or wrongly — that he was under challenge from within. His extensive informal intelligence network throughout the country has not just been a significant source of information, but one of the president’s bases of power. Equipped with information from various sources, he has at times dealt with his opponents, real or imagined, with a heavy hand; some have been sacked from public offices while others have been detained under the Preservation of Public Security Act.

Although much has been written about President Moi’s policies, very little has been said about the man’s vision of his role and the kind of loyalty he expects from those around him. In politics, perceptions are very important. Whether based on objective or subjective factors, they set the environment and the political context in which policies are made and implemented.

Moi’s view of his position in the Kenyan system has been influenced to a large extent by the fact that he is not only the longest-serving member of Parliament (MP), but served as President Kenyatta’s deputy for 12 years with unwavering loyalty under very difficult circumstances. During those 12 years Moi assumed a self-effacing demeanor and was at times treated harshly by those close to President Kenyatta. Yet he never gave the impression that he wanted to challenge Kenyatta’s leadership or to organize a following to counter those who sought to undermine him. Whenever the Kenyatta government came under attack from either inside or outside the country, Moi was often the first to come to its defense. It is apparently that type of loyalty and support which President Moi now expects of his vice president and other cabinet ministers.

Another factor that has influenced Moi’s operational mode is Kenyatta’s legacy. President Kenyatta was a charismatic personality who left an indelible mark on Kenya’s history. Moi has remained sensitive to the Kenyatta factor, and still says he is following in his mentor’s footsteps. He coined the slogan “Nyayo” (footprints) to sustain the impression that he follows the basic policies laid down by Kenyatta, and on broader issues has not departed much from those of the country’s first president. But historians who retrace his path may find that Moi’s footprints are perhaps larger and perhaps deeper into the ground. The way policies are implemented has changed, and Moi has stressed that he alone is the interpreter of Kenyatta’s footprints. The footprints ministers and other national figures are expected to follow are Moi’s. This is the criterion by which he judges his ministers, senior civil servants, politicians, and other prominent personalities.

(1) The Transition Period. In the transition period from August 1978 to the general election of November 1979, many Kenyans found it difficult to adjust to Moi’s operational style, which was more open and direct than that of Kenyatta. This was the time when it was said that a clique of politicians — the so-called “Ngorokos” — were attempting to frustrate and undermine Moi’s leadership position. As if in response to the “Ngorokos,” Moi adopted a populist approach. He traveled to all corners of the country within a few weeks and took a number of actions calculated to enhance his public image, including the introduction of a free milk scheme for primary schools, the release of all political detainees, and efforts toward reconciliation with some of his old foes.

His closest advisers at this time included Attorney General Charles Njonjo, who had held the same cabinet post since independence, had been Moi’s friend since the 1960s, and regarded himself as the power behind Moi’s accession to the presidency. In the mid-1970s, when a group of senior politicians from the majority Kikuyu ethnic group sought to change the constitution to bar Vice President Moi from succeeding Kenyatta, Njonjo threw his weight behind Moi and prevailed upon President Kenyatta to leave things as they were. Partly because of Njonjo’s role in Moi’s succession, he subsequently appeared to assume nearly as much power as the president. Indeed, Njonjo and a few of his friends acted during this period as if the presidency were a collegial affair. In that initial period, the public perception of Moi was that he was inseparable from Njonjo.

(2) Rising Tensions. Following the general election of 1979 and Njonjo’s decision in April 1980 to resign his post as attorney general to seek a parliamentary seat (which he won unopposed after the incumbent was asked to resign), observers began to suggest that Njonjo’s eyes
were on the presidency. As attorney general, Njonjo had been an ex officio member of Parliament since 1963, but Kenya’s constitution requires that a presidential candidate must be an elected MP. Another signal was Njonjo’s systematic effort to discredit then-Vice President Mwai Kibaki. It was reasonable to infer that Njonjo, who became minister of home and constitutional affairs after his election to Parliament, wanted the vice president’s post as a stepping stone to the presidency.

During this period, and especially from 1980 to 1982, Moi’s populist policies were toned down. This was a time when Kenya, like many other African countries, was experiencing severe economic problems. As the people began to suffer economic hardship, they tended to blame the president’s leadership and his policies. As the economic problems and complaints about government policies in the economic area mounted in early 1982, the government became increasingly intolerant of criticism. In May 1982, for the first time under Moi’s presidency, some individuals were detained, and the following month the constitution was amended to make the country a de jure one-party state.

The tensions generated during 1980-1982 by Njonjo’s attempts to position himself for the presidency, the ailing economy, the crackdown on dissent, and the move to a one-party system, along with student disturbances at the University of Nairobi, culminated in the air force-led coup attempt of August 1, 1982.

(3) The Fall of Njonjo. Although the 1982 coup attempt was short-lived, it caused considerable damage in terms of lives lost, property destroyed, and the threat to the parliamentary system. From that time on, President Moi focused on being his own man. He increasingly distanced himself from Njonjo and some of his supporters, and once again began injecting populism into his policies. As the president succeeded in reasserting his authority, Njonjo’s power base appeared to weaken sharply.

This situation was extremely confusing to Kenyans, including some ministers. About half of the cabinet at the time felt they owed their positions to Njonjo. Some senior civil servants had achieved their positions partly because they enjoyed Njonjo’s support and some of them tended to equate loyalty to Njonjo with loyalty to the president himself. In this kind of situation, it was not illogical for Njonjo, whose hold on power was slipping, to organize a large following in a bid to challenge the president. The story known so far is that Njonjo apparently did just that.

In May 1983, while Njonjo was outside the country, President Moi announced that a certain politician, with the help of a foreign power, was seeking to take over the presidency. Many players immediately connected the challenge with Njonjo, but they were cautious about pointing a finger at him because they knew that he was powerful and had a severe way of retribution. The suspense ended when the former minister for foreign affairs, Elijah Mwangale (now agriculture minister), named Njonjo in Parliament as the culprit. In June, Njonjo resigned from Parliament and the cabinet. His departure was soon followed by the fall of several other politicians, including some cabinet ministers who had previously been thought to be very close to both Njonjo and President Moi. With the fall of Njonjo and the so-called “Njonjo group” of politicians, and following the snap election of September 1983, President Moi’s position was substantially strengthened.

(4) Consolidation. With Njonjo out of the way, Moi’s attention turned to other priorities, the most important of which was the revamping of the ruling party, KANU (Kenya African National Union). In the June 1985 party election, senior positions on the executive committee went to those considered to be “Nyayo” people. President Moi’s attention turned also to those considered to be opponents of his regime. In 1986, several Kenyans accused of links to an organization called Mwakenya were detained. Others went through the judicial process and were imprisoned. The treatment of political dissidents earned the Moi leadership its most negative publicity thus far in the foreign media. Some of the detainees were released in February 1988.

Following the 1988 general election, Moi shifted Kibaki from the key post of vice president (and potential successor) to that of minister of health. Just before the election, the usually well-informed Weekly Review carried a detailed article reporting that Kibaki was supporting candidates opposed to those favored by the government, and that he had not been at the forefront of defending the government when it came under attack. Kibaki’s successor as vice president is Josephat Karanja, a former vice chancellor of the University of Nairobi. Karanja, who holds a doctorate in history from Princeton University, served as Kenya’s first high commissioner to Britain (1963-1970). Traditionally, the vice president has been seen as an heir apparent. With the replacement of Kibaki by Karanja, however, President Moi has signaled that the vice presidency is not a permanent post.

The Ethnicity Factor
Ethnicity has been, and remains, an important factor in the Kenyan political process. The country’s internal administrative boundaries were established along ethnic lines. The British colonial administration, seeking to discourage nationalism, encouraged the formation of district political organizations, which were basically tribal organizations.

Major nationwide political organizations were not permitted until the establishment of KANU and KADU (Kenya African Democratic Union) in the early 1960s. Although the leaders of these national organizations sought independence for the entire country, they also had to consider the welfare of their districts or ethnic groups. KADU sought a loose federal state with room for a great deal of local autonomy because KADU believed that in such a system minority interests would not be swamped by the larger Kikuyu and Luo ethnic groups, which dominated KANU.
Since independence, Kenya's political leaders have looked for support from their own districts, which has in effect meant reliance on their ethnic groups. President Kenyatta, who hailed from the Kikuyu (21 percent of the population), initially relied on his own group and the Luo, the second largest, to establish his power position. It should not be forgotten, however, that Kenyatta was also widely respected across the country. Moi, on the other hand, comes from the small Tugen subgroup of the Kalenjins. Because his tribal base is so small, he has built his power position with a broader diversity of ethnic groups in key roles than Kenyatta.

Since ethnic groups remain a fact of life in Kenya, complaints about "tribalism" will persist, especially in times of economic and social hardship. Both during the Kenyatta era and now, the government has sought not necessarily to discourage ethnic identification (which is virtually impossible as well as undesirable), but to make sure that tribalism does not stand in the way of national development. This, in turn, has meant reliance on senior political leaders in various districts, who could also be perceived as tribal elders, to establish political patronage.

Elections and Democracy
The Kenyan political leadership has over the years used general elections as a means of reaffirming its popular legitimacy. The constitution requires that national elections be held every five years, but it also permits the president to call a snap election whenever he thinks it necessary. Accordingly, general elections have been held in roughly five-year cycles, with the exception of the 1969 election (which was held after six years) and the 1983 election (held after four years). Other elections were in 1974 and 1979. In the fifth postindependence general election, held in March 1988, a total of 788 candidates vied for 188 National Assembly seats.

In spite of these elections, some foreign observers of the Kenyan scene question Kenya's claims to democracy. They point to the 1982 decision to turn Kenya into a one-party state, the detention in 1986 and 1987 of those regarded as opponents of the government, and the introduction in 1986 of an electoral system that requires voters to queue to indicate their choices of candidates in primaries.

As with most issues in African politics, these governmental moves and subsequent criticisms reflect different perceptions and perspectives. Perceptions — whether of media commentators or of governments — may sometimes be based on an objective assessment of the political, economic, and social conditions of a particular country within its cultural context, but they may also be based on a subjective interpretation of certain political processes outside the observers' own sociocultural milieus. An assessment of an electoral system, and whether it meets the "proper" standards of democracy or not, says as much about the analyst as about the system in question.

The essence of any meaningful election is that it allow free competition for political office and give the ordinary people of any country an opportunity to choose freely those who are going to make laws that govern them. Has the Kenyan electoral system permitted free competition for political positions? And to what extent have voters been free to choose candidates of their liking?

Despite their drawbacks, Kenya's elections provide an opportunity for political competition. In some cases, as many as 45 percent of MPs, including cabinet ministers, may lose their seats in an election. In 1988, three ministers and about 40 percent of the backbenchers lost their seats. During the official campaign period, which was about four weeks, parliamentary candidates campaigned intensely; they were not allowed to criticize the government, but were free to discredit their rivals. One veteran politician, Martin Shikukka, a critic of the government since the early 1960s, was denied a permit to address public rallies in his constituency, and as a result he lost an election for the first time since independence.

Although there is now only one legal political party, most Kenyans have accepted their electoral system as an integral part of their own form of democracy. They believe the system has served them well in the past and are not likely to want to change it for an alternative with uncertain results. The question of whether voters are free to elect candidates of their choice can be answered only in relative terms. There is hardly any political system in the world that gives all voters their choices. In some Kenyan constituencies, voters often have larger menus to choose from than is the case in some advanced democracies.

The primary-election queuing procedure announced in 1986 requires that paid-up members of KANU line up behind candidates of their choice or their duly appointed agents. According to KANU officials, this procedure was introduced in order to broaden the participation of the rank and file membership of the party in the process of choosing those who should stand for election. Previously, the "clearance" of individuals who wanted to stand for election rested with half a dozen party officials. With this new selection procedure, that responsibility appears — at least theoretically — to have been passed over to the ordinary citizens. This system was initially criticized by the churches and some sections of the media because it was believed that some voters were likely to be intimidated. KANU has refused to scrap it, but as a concession has exempted church leaders, senior government officials, and other personalities from the exercise.

One feature of the queuing system is that a candidate who receives at least 30 percent of the votes will be considered nominated and can proceed to stand in a general election. In case none of the candidates has the required 30 percent of the vote, the top three candidates will be considered nominated. On the other hand, a candidate who polls at least 70 percent of the vote is considered nominated unopposed in the general election. That provision resulted in the election of nearly one-third of the new MPs without recourse to the secret ballot.
The 70 percent rule, which has had the effect of transforming a nomination procedure into an election process, has been criticized by a cross section of Kenyans and some elements of the media. President Moi also appeared to have had second thoughts about it in 1987, when he announced that he wanted to have it changed; but, as if merely testing the waters to see how people would react, he later changed his mind and agreed to retain the 70 percent rule. The retention of that rule has resulted in some politicians being elected unopposed even if less than 7 percent of the registered party members turned up to queue.

Again, perceptions vary widely on this issue. Some Kenyans believe that this system is a significant improvement over the previous nomination procedure whereby a few party officials selected candidates for all parliamentary seats in the country. One government official, who asked for anonymity, defined democracy in terms of the openness and participatory nature of political institutions and processes. “If democracy means open government,” he said, “then queuing behind potential lawmakers is the best form of democracy.”

Whatever the merits and demerits of the queuing procedure, there is no sign at the moment that KANU will consider changing it soon. The 70 percent rule, however, is likely to be reconsidered.

The Party and Parliament

Recent changes in electoral procedures are just some of the characteristics of the new KANU. The party is now quite different from what it was six years ago. With about five times the membership it had then, it is more active in the day-to-day running of the country, and is seriously competing with Parliament as the supreme political institution in the land. Indeed, KANU has undergone more profound changes in the past three years than in the previous 20 years. As The Weekly Review commented on May 8, 1987: “The wide-ranging changes and the zeal with which some of the old party policies are being pursued has given KANU a new lease on life that has left observers wondering what effect the party’s power may have on other institutions including parliament.”

From the 1960s through the 1970s, KANU was virtually moribund. Although it faced stiff competition between 1966 and 1969 from the Kenya People’s Union (KPU), led by former Vice President Oginga Odinga, KANU did nothing organizationally to meet the challenge. When President Kenyatta eventually proscribed the KPU and detained its leaders in 1969, KANU largely withdrew from active political life, surfacing only during pre-election periods to nominate candidates for general elections.

The party’s 1966 constitution required that the executive committee and other office-bearers be elected every two years, but there were no party elections from February 1966 until October 1978, shortly after the death of Kenyatta. When KANU’s first secretary-general, Tom Mboya, was assassinated in July 1969, an acting secretary-general was appointed. He continued as “acting” for nine years.

So dormant was the party in the 1970s that some commentators began to describe Kenya as a no-party state. President Kenyatta was wary of a strong party because he felt it might present an alternative center of power. There were complaints around the country that the party was not playing the role for which it was formed. But when two members of Parliament (Martin Shikuku and the late Jean-Marie Seroney, who was then the deputy speaker of the National Assembly) said in Parliament in 1975 that KANU was dead, they were detained for three years. Ironically, when that charge was made, it was then-Vice President Moi who, in a demonstration of his loyalty to Kenyatta, vigorously defended the party and led the front bench in singing “KANU Yajenga Nchi,” which literally means “KANU builds the nation.”

When the executive committee election was held in October 1978, most party officials and other politicians talked openly about the need to reform and reactivate the party. As part of the process of establishing a political environment in which a rejuvenated KANU would not face competition from other parties, the Moi government amended the constitution in June 1982, making Kenya a de jure one-party state. Although Kenya had not had an opposition party since 1969, the decision to enshrine the one-party system in the constitution came amid rumors that an opposition party was about to be announced. Much has been written about the merits and demerits of one-party systems in Africa, and there is no need to rehash those debates here. Suffice it to say that the perception of most Kenyans is that a one-party system is compatible with democracy.

KANU has experimented with various ways of raising funds to finance its programs. The party owns the towering Kenyatta Conference Center in Nairobi, which frequently hosts international conferences. Another conspicuous party enterprise is the Kenya Times, established in May 1983 to compete with the older Daily Nation and The Standard. Apart from the fact that the Kenya Times has a monopoly of government advertisements, private firms (including multinational corporations) also advertise through it, partly as a way of identifying with KANU. When the Kenya Times was launched, many political leaders made a big issue out of the fact that the other dailies were, in part, foreign-owned. But in early 1988, KANU sold part of the Kenya Times’ equity to British publisher Robert Maxwell.

KANU’s other major source of funds is membership subscriptions. Following the 1983 general election, attention was focused on recruitment. By early 1985, the party had over 5 million members. Life membership in the party, previously 1,000 ($177 equivalent as of 1988) and made compulsory for all persons seeking to run in either parliamentary or local council elections. Senior civil servants and heads of parastatal organizations are also expected to be life members of KANU. (Life membership
does not preclude expulsion or suspension from KANU if the party hierarchy deems such action necessary.)

By the time a party grass-roots election was held in early 1985, followed by an executive committee election in June, the party's financial position was very strong. KANU's power and activities increased accordingly. Currently one of the most prominent centers of political authority, it has in the past few years been formulating and implementing policies without having to seek legislative approval. A disciplinary committee was established in late 1985 "to ensure that party policies were followed to the letter." The subsequent accumulation of power by the disciplinary committee, and the party hierarchy as a whole, appeared to complicate KANU's relations with Parliament, especially in 1986 and part of 1987.

Some KANU officials have suggested that MPs who make "irresponsible" statements under the privileges of parliamentary immunity should be subject to discipline. In fact, the party's disciplinary committee in June 1987 summoned then-Minister of Foreign Affairs Elijah Mwangale to appear and explain comments he had made to the international press in Norway the previous month; Mwangale refused. Earlier in the year, Minister of Labor Peter Okondo appeared before the disciplinary committee and was publicly humiliated for remarks he had made in Parliament. Under the Parliamentary Powers and Privileges Act, matters raised in Parliament should not be discussed outside it, but apparently that provision of the act was ignored by KANU's disciplinary committee (which incidentally comprised former MPs or serving MPs).

More than anything else, the humiliation of the minister of labor by the disciplinary committee highlighted the emerging tension between the party's accumulation of power and Parliament's interest in maintaining its position as a privileged institution where MPs can express their views freely without fear or threats. In 1975, MP Shikuku was detained after he argued that some people wanted to stifle Parliament as they had killed KANU. Now Shikuku is arguing that KANU's tendency to usurp the power of Parliament is likely to lead to chaos. While Shikuku and President Moi may not see eye to eye on many issues, they seem to agree on this one. In June 1987, President Moi warned that the party was arrogating extraordinary power to itself, and three months later he disbanded the disciplinary committee after castigating it for assuming too much power.

Given the balance of power that exists between Parliament, the party, and the provincial administration, the party can accumulate more power only at the expense of the other two. But as the office of the president has traditionally relied on the provincial administration to maintain law and order in the country, there is no likelihood of KANU usurping the role of provincial authorities. Under these circumstances, the party can accumulate more power only at the expense of Parliament.

One feature of the present Parliament is that, although it has more members than the previous one, the front bench (composed of government leaders) is larger than the back bench (the rank and file), thus ensuring that the government does not lose any motion. There are now 188 elected MPs as opposed to 158 in the previous Parliament. Thirty-three MPs are ministers and 63 are assistant ministers. Moreover, the front bench includes in practice the 12 nominated MPs, who cannot be expected to vote against the government.

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